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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,057	02/28/2000	Noriaki Miyamoto	35.G2543	8795
5514	7590	09/10/2003	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			WALLERSON, MARK E	
		ART UNIT	PAPER NUMBER	
		2626	DATE MAILED: 09/10/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

9

<b>Office Action Summary</b>	Application No. <b>09/515,057</b>	Applicant(s) <b>Miyamoto et al</b>
	Examiner <b>Mark Wallerson</b>	Art Unit <b>2626</b>
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
<b>Period for Reply</b> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
- Extensions of time may be available under the provisions of 37 CFR 1.138 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).		
<b>Status</b>		
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Jul 11, 2003</u> .		
2a) <input type="checkbox"/> This action is FINAL.      2b) <input checked="" type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.		
<b>Disposition of Claims</b>		
4) <input checked="" type="checkbox"/> Claim(s) <u>1, 2, 4-9, 11, 13, 17-19, 21, 22, 24-29, 31, 33, 37-39, 41, 42, 43</u> is/are pending in the application. <span style="float: right;"><i>45, 47, and 48</i> MW</span>		
4a) Of the above, claim(s) _____ is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed. <span style="float: right;"><i>48</i> MW</span>		
6) <input checked="" type="checkbox"/> Claim(s) <u>1, 2, 4-9, 11, 13, 17-19, 21, 22, 24-29, 31, 33, 37-39, 41, 42, 45, 47,</u> is/are rejected.		
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.		
8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.		
<b>Application Papers</b>		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).		
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
<b>Priority under 35 U.S.C. §§ 119 and 120</b>		
13) <input checked="" type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input checked="" type="checkbox"/> None of: 1. <input checked="" type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.		
14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.		
15) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.		
<b>Attachment(s)</b>		
1) <input type="checkbox"/> Notice of References Cited (PTO-892)      4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____		
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____      6) <input type="checkbox"/> Other: _____		

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### **Part III DETAILED ACTION**

#### *Notice to Applicant(s)*

1. This action is responsive to the following communications: amendment filed on **6/16/2003**.
  
2. This application has been reconsidered. Claims 1, 2, 4-9, 11, 13, 17-19, 21, 22, 24-29, 31, 33, 37-39, 41, 42, 45, 47, and 48 are pending.

#### *Continued Prosecution Application*

3. The request filed on 7/11/2003 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/515,057 is acceptable and a CPA has been established. An action on the CPA follows. °

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1, 2, 4, 5, 6, 11, 13, 17, 18, 21, 22, 24, 25, 26, 31, 33, 37, 38, 40, 41, 42, 45, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Momose (U. S. 6,301,013) in view of Bubie et al (U. S. 6,453,078).

With respect to claims 1, 11, 21, 31, 32, 41, and 45, Momose discloses a method of processing an image comprising deciding layout information for an image based on at least one frame (56) being positioned at a user desired position on an image preview window according to a user designation(figure 7 and column 12, lines 10-40), wherein each frame indicates information of the position to lay the image (56, figure 7); registering an editing set (parts 42-45 figure 5) to an editing menu (41, figure 5) including the decided layout information and plural editing processes (sheet size or magnification-reduction) (the abstract, lines 7-9, column 11, lines 31-61 and column 14, lines 37-61) designated by a user (column 2, lines 10-16), identifying an editing set selected from the editing menu (figure 8), wherein the selected image is positioned at a user desired position (56) based on the layout information (column 12, line 17 to column 13, line 9) and the editing processes the layout information correspond to the editing set (figures 7, 10, and 14).

Momose differs from claims 1, 11, 12, 21, 31, 41, 45, and 46 in that he does not clearly disclose displaying plural reduced-sized images; selecting at least one image from the plural displayed images, and performing editing processes which correspond to the identified editing set on the selected images.

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Bubie discloses displaying plural reduced-sized images (the abstract, lines 1-2); selecting at least one image from the plural displayed images (the abstract, lines 2-8), and performing editing processes which correspond to the identified editing set on the selected images (which reads on printing the images based on a custom layout template) (column 6, lines 9-29), and editing set including layout information indicating information of position to lay the images as designated by the user (column 6, lines 9-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Momose to display plural reduced-sized images; select at least one image from the plural displayed images, and perform editing processes which correspond to the identified editing set on the selected images. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Momose by the teaching of Bubie in order to enable multiple different images to be properly sized and positioned when being printed as disclosed by Bubie in column 2, lines 12-14).

With regard to claims 2, 22, and 42, Momose discloses an identifier indicating a set of editing processes are registered (figure 13); displaying plural registered identifiers in the form of a list (figure 13), and calling a set of editing processes corresponding to an identifier selected from the list of registered identifiers (figure 13 and column 17, lines 17-52).

With respect to claims 4, 5, 6, 24, 25, and 26, Momose discloses the editing processes include layout information (column 12, lines 10-17), image rotation (column 11, lines 46-55), and image enlargement/reduction (column 12, lines 10-40).

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With respect to claims 17, 18, 37, 38, 47, and 48, Bubie discloses selecting the images based on the image selection condition of the editing set (column 6, lines 9-29). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Momose by the teaching of Bubie in order to enable multiple different images to be properly sized and positioned when being printed as disclosed by Bubie in column 2, lines 12-14).

With regard to claims 13 and 33, Momose discloses a scanner (6).

6. Claims 7, 8, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Momose in view of Bubie as applied to claims 1, 21, and 41 above, and further in view of Ono (U. S. 6,295,136).

With respect to claims 7, 8, 27, and 28, Momose as modified differs from claims 7, 8, 27, and 28 in that he does not clearly disclose the editing processes include image contrast and brightness adjustment. Ono discloses a printer control apparatus which sets various attributes for printing utilizing dialog boxes wherein the attributes include image contrast and brightness adjustment (figure 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Momose as modified wherein the editing processes include image contrast and brightness adjustment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Momose as modified by the teaching of Ono in order to improve operator control as disclosed by Ono in column 2, lines 26-33.

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7. Claims 9, 19, 29, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Momose in view of Bubie as applied to claims 1, 21, and 41 above, and further in view of Kubo et al (Kubo) (U. S. 5,828,461).

With respect to claims 9 and 29, Momose as modified differs from claims 9 and 29 in that he does not clearly disclose the editing processes include designating an aspect ratio. Kubo discloses an image processing method wherein a dialog box allows the setting of an aspect ratio corresponding to a print size (column 23, lines 1-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Momose as modified wherein the editing processes include designating an aspect ratio. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Momose as modified by the teaching of Kubo in order to improve image processing.

With respect to claims 19 and 39 Momose as modified differs from claims 19 and 39 in that he does not clearly disclose that the selection condition is magnetic information which is stored such that the magnetic information is linked to image information. Kubo discloses being able to select magnetic information (which reads on panorama) (figure 10) and that the magnetic information is linked to image information (column 1, lines 10-15). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Momose as modified wherein the selection condition is magnetic information which is stored such that the magnetic information is linked to image information. It would have been obvious to one of

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ordinary skill in the art at the time of the invention to have modified Momose as modified by the teaching of Kubo in order to improve image processing.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1, 21, and 41 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

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Crystal Park Two

2121 Crystal Drive

Arlington, VA.

Sixth Floor (Receptionist)

MARK WALLERSON  
PRIMARY EXAMINER

MARK WALLERSON